one years as an elected official at both the state and municipal levels. For thirteen years, Mr. Harris served as a California State Assemblyman; over the course of his tenure, he served as Chairman of the Joint Legislative Audit Committee and the Jurisdictional Committee, and sponsored many pieces of legislation that have had a direct impact on the City of Oakland and its citizens.

For the past eight years, Mr. Harris has served as the Mayor of the City of Oakland, leading the drive to rebuild and strengthen our great City. In the wake of the 1989 Loma Prieta earthquake and the 1991 Oakland Hills firestorm—two of the most devastating events in recent city history—among other significant challenges, Harris has provided invaluable leadership and vision, and levied resources to support redevelopment, growth, and community in Oakland.

The Mayor's campaign to renew the City of Oakland has proved highly successful: in 1993, Oakland was designated an All American City by the National Civic League, and Money Magazine has ranked Oakland as one of the top places to live for two consecutive years. Under Harris' watch, crime rates and unemployment have dropped, and the City has experienced a tremendous influx of new business, construction, and jobs.

Equally important is Mr. Harris' record as the People's Champion. Throughout his term, Mayor Harris has worked closely with Oakland's citizens to create new and innovative ways to address important community issues. By providing strong leadership in an atmosphere of inclusiveness, Mr. Harris has mobilized people to believe that they can and will make a difference. A true Citizen-Mayor, Elihu Harris is especially passionate about children and about education: while serving as Oakland's mayor, he launched several important endeavors to support education, among them Camp Read-A-Lot and Project 2000, Ready to Learn.

On June 26, 1998, Mayor Harris will receive an Achievement Award from the Oakland East Bay Democratic Club. The 9th District joins the Oakland East Bay Democratic Club in honoring Mayor Elihu Harris for his years of dedicated service to our community.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

SPEECH OF

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4060) making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purpose:

Mr. DAVIS of Florida. Mr. Chairman, I rise in support of H.R. 4060, the Fiscal Year 1999 Energy and Water Development Appropriations Bill. Given the limited resources available to the Committee in this era of increasingly tight budgets, this legislation is a balanced bill which represents a bipartisan effort to meet the important energy and water development needs of our Nation.

One area in which I must express concern and disappointment, however, is the funding for the critically important Everglades restoration projects. During last year's historic balanced budget agreement, Everglades funding was held up as one of the few protected domestic discretionary spending priorities. Unfortunately, just one year later, this legislation is unable to meet the critical needs of this restoration effort.

The Everglades National Park is truly one of our Nation's natural treasurers and provides tremendous resources which are vital to the environmental health and quality of life in the State of Florida. While we have made great progress in raising awareness of the fragile nature of this diverse ecosystem, much work remains to be done to restore and protect the park for this and future generations.

My hope is that as we move this process forward and begin to work in conference with the Senate, that we will recede to the Senate levels of funding for this work, specifically for the Army Corps of Engineers construction efforts in Central and Southern Florida, the Kissimmee River, and the Everglades and South Florida Ecosystem Restoration projects.

Mr. Chairman, I look forward to working with Members from both side of the aisle to secure adequate funding for these Everglades restoration projects.

MR. KENDALL'S RESPONSE TO MR. STARR'S PRESS RELEASES CONCERNING THE CONTENT MAGAZINE ARTICLE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1998

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to enter into the RECORD the following letter from the President's attorney, David E. Kendall, to Independent Counsel Kenneth Starr.

June 16, 1998.

Hon. KENNETH W. STARR,
Independent Counsel,
1001 Pennsylvania Avenue, N.W.,
Suite 490—North, Washington, DC.

DEAR JUDGE STARR: In the past three days, you have issued two press releases on the subject of leaks from your office. I think it is appropriate to respond to this public relations initiative.

In neither of these two press releases have you denied even a syllable of what the Steve Brill ''Pressgate'' article quotes you and your staff as saying. You accuse Mr. Brill of misinterpreting but not misquoting, and that's highly significant.

Your statements in the Brill article are at breathtaking variance with your previous public statements about your duties and actions. Your statements consistently have led the public to believe you would tolerate no leaks of any kind. On January 21, 1998, you stated at your public press conference, ''I can't comment on the investigation as a matter of practice and of law. I just can't be making comments about the specific aspects of our investigation, including to confirm specific activity or not. . . . As an officer of the court, I just cannot breach confidentiality.'' At your public press conference on February 5, 1998, you stated in a CNN interview, ''I'm not going to comment on the status of our negotiations [with Ms. Lewinsky's lawyers] . . . I hope you understand, especially when you ask a question about the status of someone who might be a witness, that goes to the heart of the grand jury process. . . . Those are obligations of law; they're obligations of ethics. . . . I am under a legal obligation not to talk about facts going before the grand jury.'' In your public February 6, 1998, letter to me, you stated that ''leaks are utterly intolerable'' (your words, not mine) and you went on to say ''I have made the prohibition of leaks a principal priority of the Office. It is a firing offense, as well as one that leads to criminal prosecution.'' (Emphasis added).

What is so astonishing about your comments in the Brill article is that they contradict not simply our view but your own frequently and publicly expressed views both about the need to put a stop to leaking and your own protestations about your and your own staff's utter innocence in that regard.

Your press releases do not, however, address three simple points (there is much else that could be said, of course).

(1) If you need to talk to the press, why not do so on the record?

The Rule of the Department of Justice's Criminal Division promulgated by President Reagan's Assistant Attorney General in charge of the Criminal Division was: ''Never talk off the record with the media. If you don't want your name associated with particular comments or remarks, you shouldn't make them to media representatives.'' That's a good rule, because it makes everyone aware of who is making a particular statement, and it's especially important if what you're really trying to do is ''engender public confidence'' in your office. What possible justification do you have for secrecy? It's irresponsible and (under the circumstance) hypocritical.

(2) You are wrongly applying post-indictment standards of allowable prosecutorial comment.

Caught flat-footed by the Brill article, you've attempted to shift your ground by pointing to rules and opinions regarding post-indictment comment by prosecutors. As you well know, the standards are different after an indictment has been brought. At that point, the grand jury has found probable cause to make a criminal charge, the indictment has been openly announced, the defendant has significant procedural rights, including the right to have counsel appointed who will, among other things be able to respond to prosecutorial comments. Prior to indictment, the rule is that grand jury secrecy, a protection designed for witnesses and persons investigated but never finally charged, mandates prosecutorial silence and the confidentiality of grand jury proceedings.

(3) The view of Rule 6(e) that you express in the Brill article and (now) in your press releases is demonstrably not the law.

You are now attempting to justify leaking by you and your Office by claiming that the information your office has covertly given to the media is not covered by Rule 6(e) because, in your own words as quoted by Mr. Brill, ''it is definitely not grand jury information, if you are talking about what witnesses tell FBI agents or us before they testify before the grand jury or about related matters. . . . So, it I a not 6–E.'' (Emphasis in original.) Again, as you well know, this is not the law of the District of Columbia Circuit (or, for that matter, any other circuit). In the Dow Jones case decided by the United States Court of Appeals for the District of Columbia Circuit on May 5, 1998, that court summarized the secrecy rules legally applicable to grand jury investigations. Citing many cases of this Circuit and others decided over the years, the Court of Appeals emphasized that Rule 6(e) is to be given a broad